



UNIVERSITY OF TORONTO  
FACULTY OF LAW



**SECURITIES LAW IN THE  
ADVERSARIAL SETTING**

**David Hausman  
Tracy Pratt**

**Volume 2**

**WINTER 2013**

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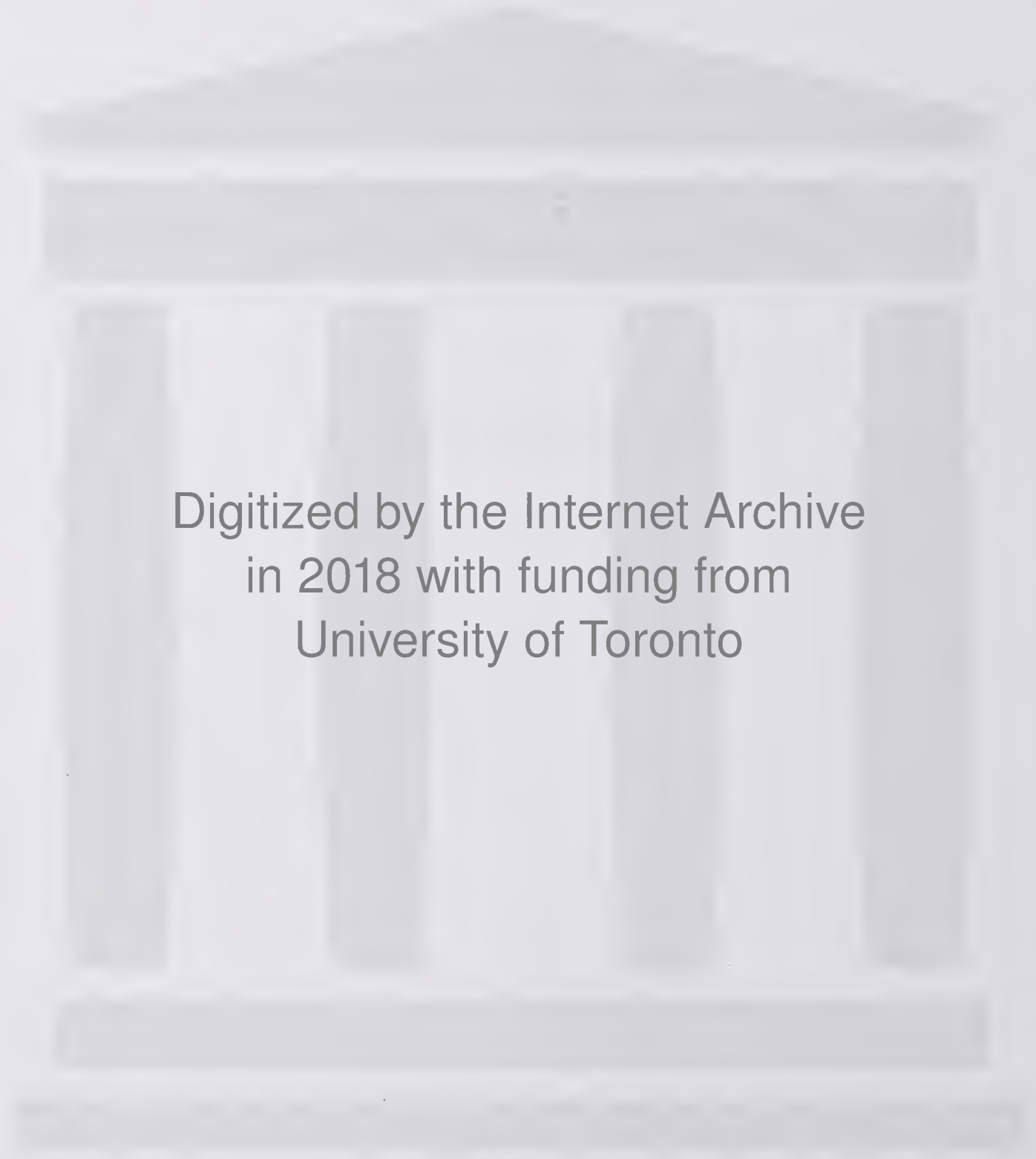
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## **Securities Law in the Adversarial Setting**

### **Week 1: Sources and Issues Relating to the Public Interest Jurisdiction**

*Re Mithras Management Ltd.* (1990), 13 OSCB 1600

*Ainsley Financial Corp. v. Ontario Securities Commission* (1993), 14 O.R. (3d) 280 (Gen. Div.)

*Committee for the Equal Treatment of Asbestos Minority Shareholders v. Ontario (Securities Commission)*, [2001] S.C.J. No. 38

*Re Cartaway Resources Corp.*, [2004] 1 S.C.R. 672

*Magna International Inc. et al.* (2010), 33 OSCB 6013

### **Week 2: Constitutional and Administrative Law Issues**

*Re Malartic Hygrade Gold Mines (Canada) Ltd. and Ontario Securities Commission*, [1986] O.J. No. 206

*Brosseau v. Alberta Securities Commission*, [1989] 1 S.C.R. 301

*British Columbia Securities Commission v. Branch*, [1995] 2 S.C.R. 3

*Re Azeff* (2012), 35 OSCB 5159

### **Week 3: Formal Investigations by Canadian Securities Commissions**

*Biscotti v. Ontario Securities Commission* (1990), 74 O.R. (2d) 119 (Div. Ct.)

*Deloitte & Touche LLP v. Ontario (Securities Commission)*, [2003] 2 S.C.R. 713

*Re Conrad M. Black and John A. Boulton* (2007), 31 OSCB 10397

*Shapray v. British Columbia Securities Commission*, [2009] B.C.J. No. 1358 (BCCA)

*Hill v. Hamilton-Wentworth Regional Police Services Board.*, [2007] 3 S.C.R. 129 (S.C.C.) (headnote)

*Re Sextant Capital Management Inc.* (2011), 34 OSCB 5829

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### **Week 4: Self-Regulatory Organizations**

*Re Mills*, [2001] I.D.A.C.D. No. 7 (excerpted)

*Re TSX Inc.* (2007), 30 OSCB 8917 (excerpted)

*Re HudBay Minerals Inc.* (2009), 32 OSCB 3733 (excerpted)

*Taub v. Investment Dealers Association of Canada*, [2009] O.J. No. 3552 (C.A.)

**Week 5: Corporate Governance**

*Pente Investment Management Ltd. v. Schneider Corp.*, [1998] O.J. No. 4142

See also *BCE Inc. v. 1976 Debentureholders* 2008 SCC 69

See also *CW Shareholdings Inc. v. WIC Western International Communications Ltd.*, [1998] O.J. No. 1886

*Re Magna International Inc.*, [2010] O.J. No. 3454 (excerpted)

*UPM-Kymmene Corp. v. UPM-Kymmene Miramichi Inc.*, [2002] O.J. No. 2412

See also *Air Products and Chemicals, Inc. v. Airgas Inc.*, C.A. No. 5249-CC (Del. Ch. Feb 14, 2011)

**Week 6: Cross-Border Issues**

*Gregory & Co. v. Quebec (Securities Commission)*, [1961] S.C.R. 584

*Global Securities Corp. v. British Columbia (Securities Commission)*, [2000] 1 S.C.R. 494

*A. v. Ontario Securities Commission*, [2006] O.J. No 1768 (OCJ)

**Week 7: Broker-Customer Litigation**

*Laflamme v. Prudential-Bache Commodities Canada Ltd.*, [2000] S.C.J. No. 25

*Zraik v. Levesque Securities Inc.*, [2001] O.J. No. 5083 (CA)

*Blackburn v. Midland Walwyn Capital Inc.*, [2005] O.J. No. 678 (CA)

*Parent v. Leach*, [2008] O.J. No. 2155

**Week 8: Shareholder Rights Plans Agreements**

*Re Pulse Data Inc.* (2002), 25 OSCB 451

*Icahn Partners LP v. Lions Gate Entertainment Corp.*, [2010] B.C.J. No. 2130 (excerpted)

*Re Baffinland Iron Mines Corp.* (2010), 33 OSCB 11385

*Re Neo Material Technologies Inc.* (2009), 32 OSCB 6941

*BCE Inc. v. 1976 Debentureholders* 2008 SCC 69

*AbitibiBowater inc. (Produits Forestiers Résolu) v. Fibrek Inc.*, 2012 QCBDR 8.

See Also *Re CI Financial Corp.* (2011), 34 OSCB 10937

**Week 9: Insider Trading and Tipping**

*Re ATI Technologies Inc.* (2005), 28 OSCB 8558

*R. v. Rankin*, [2006] O.J. No. 4579 (Sup.Ct.)

*Re Rowan* (2008), 31 OSCB 6515 (excerpted)

*R. v. Landen* [2008] O.J. No. 4416

*Re Donald* (2012), 35 OSCB 7383

**Week 10: Secondary Market Liability**

*McKenna v. Gammon Gold Inc.*, [2010] O.J. No. 1057

*Silver v. Imax Corp.* [2009] O.J. No. 5573

*Ontario Securities Act* – Civil Liability for Secondary Market Disclosure Provisions

*Sharma v. Timminco Ltd.*, 2012 ONCA 107, 109 O.R. (3d) 569

*Gould v. Western Coal Corporation*, [2012] O.J. No. 4291

**Week 11: Disclosure**

*Re Coventree Inc.* (2011), 34 OSCB 10209 (excerpted)

*Re Biovail Corp.* (2010), 33 OSCB 8914

*R. v. Gouveia et al.* (24 June 2005), Toronto (O.C.J.) (unpublished)

*Re YBM Magex International Inc.* (2003), 26 OSCB 5285 (excerpt)

*R. v. Jarvis*, [2002] 2 S.C.R. 757

